

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LARRY J. CLINKENBEARD

PLAINTIFF

VS.

NO. 4:05CV00918

AIR TRANSPORT INTERNATIONAL, LLC.

DEFENDANT

ORDER

Pending is Defendant's Motion to Determine the Sufficiency of Plaintiff's Answers to Requests for Admissions. (Docket # 19). Defendant propounded two requests for admissions on Plaintiff requesting that he admit that a tape recording produced during discovery was a copy of tape recorded testimony presented by him at a telephone hearing before the Arkansas Appeals Tribunal and to admit that the transcript attached to the request was an accurate transcript of the recorded testimony. Plaintiff responded by stating that he "could neither admit nor deny" the requests for admissions. Defendant argues that Plaintiff's responses are insufficient.

Fed. R. Civ. P. 36 provides in pertinent part:

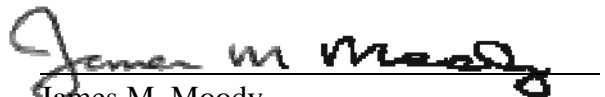
The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.

Plaintiff has responded to Defendant's motion by stating that his responses were truthful, appropriate and proper. The Court finds that Plaintiff's responses are insufficient because he failed to "set forth in detail the reasons why [he] cannot truthfully admit or deny the matter" as

required.

Accordingly, Defendant's motion is GRANTED. Plaintiff is directed to submit full and complete responses to Defendant's requests for admission within fifteen (15) days of the entry of this Order.

IT IS SO ORDERED this 30th day of October, 2006.

A handwritten signature in black ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge